

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75488 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- RAJEPUR District- East Champaran

1. Mahesh Sahani Son of Baudh Sahani
 2. Navin Sahani Son of Mahesh Sahani
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ramesh Chandra, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Rajepur P.S.Case No.191 of 2023, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act, 2016.

3. Prosecution story in short is that the police raided and seized 60 ltrs. illegal wine from the house of co-accused Sunar Sahani.

4. Learned counsel appearing on behalf of the petitioners submits that the name of the petitioners has surfaced only on the basis of confessional statement of co-accused Sunar Sahani. Petitioners were not present at the place of occurrence. They have clean antecedent.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties and considering the nature of allegation of recovery of 60 ltrs. of wine, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the court of Exclusive Special Excise Court No.1, Civil Court, Motihari, East Champaran in connection with Rajepur P.S.Case No.191 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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